

EXHIBIT C

FCC Form 312: Response to Question 35 *Waiver Request*

Section 25.202(g): DIRECTV requests a limited waiver of the requirement in Section 25.202(g) of the Commission's rules that TT&C functions be conducted at the edges of the bands in which service is being provided. DIRECTV-8, which is a hybrid DBS/Ka-band satellite, has been designed to use 14 GHz FSS frequencies solely for the purpose of conducting transfer orbit TT&C operations. The Commission has found that the use of the 14 GHz band for TT&C of a DBS satellite system is "in conformity with the international and [U.S.] domestic Tables of Frequency Allocations."¹ However, because Section 25.202(g) generally requires use of frequencies at the edge of service bands, a waiver of this rule is required in order for a DBS operator to use 14 GHz frequencies for TT&C operations.² The Commission has recognized that, as opposed to on-station TT&C, the use of 14 GHz frequencies solely for transfer orbit purposes is a "relatively short-term" function, and consequently the Commission is amenable to evaluating requests to use FSS frequencies for transfer orbit TT&C of DBS satellites on a case-by-case basis.³

In this case, a waiver of Section 25.202(g) is required because Loral Skynet, which will be conducting transfer orbit TT&C on behalf of DIRECTV, uses Intelsat ground stations around the world and none of these stations are equipped with 17 GHz command capabilities. Thus, 14 GHz FSS frequencies must be used for the transfer orbit TT&C of DIRECTV-8. The requested use of these frequencies is extremely limited, both in scope and duration. DIRECTV proposes to use only 4 MHz of spectrum in the 14 GHz band.⁴ These frequencies will be used *only* for transfer orbit during the "mission" phase of the launch of DIRECTV-8 and will never be used for normal on-orbit TT&C operations of DIRECTV-8 even on a contingency basis. DIRECTV estimates that, barring unforeseen circumstances, the need to use 14 GHz frequencies for transfer orbit TT&C will last only for approximately a ten-day period after the satellite is launched. The Commission recently granted a similar waiver with respect to DIRECTV-7S based on precisely the same set of facts.⁵

¹ *MCI Telecommunications Corp.*, 14 FCC Rcd. 9966 at ¶ 15 (Int'l Bur. 1999).

² *Id.* To the extent a waiver is necessary for the Ka-band payload on DIRECTV-8 to rely on the use of frequencies authorized for use by the satellite's DBS payload for on-station TT&C, DIRECTV requests such a waiver as well.

³ *See DIRECTV Enterprises, LLC*, 19 FCC Rcd. 7754 at ¶ 13 (Int'l Bur. 2004)(citing *Policies and Rules for the Direct Broadcast Satellite Service*, 17 FCC Rcd. 11331 at ¶ 132 (2002)).

⁴ DIRECTV-8 will use two channels, centered at 14003.0 MHz and 14497.0 MHz, with 2 MHz bandwidth each.

⁵ *See id.* at ¶¶ 11-14.

DIRECTV's limited use of 14 GHz frequencies for transfer orbit TT&C will pose minimal risk to the operations of other in-orbit satellites. During the brief period during which the 14 GHz band will be used for transfer orbit command operations, DIRECTV will follow well-developed and widely-accepted industry practices for conducting transfer orbit, which include ensuring that no harmful interference occurs into the operation of any operating satellite. (As noted above, DIRECTV's TT&C provider for this satellite during this phase will be Loral Skynet, which is very experienced in such matters, as well.)

In these circumstances, there is good cause to grant the limited waiver requested.⁶ Because of the very limited scope and duration of the relevant operations, the requested waiver will not undermine the policy objective of the rule. Furthermore, strict adherence to Section 25.202(g)'s requirements in this instance would greatly hinder the deployment of DIRECTV-8 and the realization of the public interest benefits associated with DIRECTV's operation of that satellite s discussed herein.

Accordingly, DIRECTV requests a limited waiver of Section 25.202(g) to allow the use of 14 GHz FSS frequencies solely for the purpose of conducting transfer orbit TT&C operations.

⁶ See 47 C.F.R. § 1.3; *Northeast Cellular Telephone Co. v. FCC*, 897 F.2d 1166 (D.C. Cir. 1990); *WAIT Radio v. FCC*, 418 F.2d 1153 (D.C. Cir. 1969).